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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF EXHIBIT 1  
TO WAYMO'S OPPOSITION TO UBER'S  
SECOND MOTION TO COMPEL**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal portions of Exhibit 1 to Waymo’s opposition to Uber’s second motion to compel (“Exhibit 1”). Waymo previously filed a redacted version of Exhibit 1. (Dkt. No. 895-2.) Specifically, Waymo requests an order granting leave to file under seal the portions of the document as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Exhibit 1	Green highlighted portions	Waymo

# **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

# **I. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

The Court should seal the portions of Exhibit 1 (portions highlighted green) identified by Waymo in the table above. Waymo seeks to file this information under seal because it discloses the identity of suppliers engaged by Waymo in furtherance of its highly confidential LiDAR development, with whom Waymo has entered into relationships under non-disclosure agreements. *See* Declaration of Lindsay Cooper (“Cooper Decl.”) ¶ 3. The identities of these suppliers are confidential and private and it would be harmful to Waymo if others knew the identities of vendors that Waymo has engaged or considered engaging. Confidential business information that, if released, may “harm a litigant’s competitive standing” merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to seal confidential business information and trade secret information that fit

1 squarely within this category and has narrowly tailored its requests to only the identities of the  
2 suppliers meriting sealing. Further, the identities of the suppliers themselves are not material to the  
3 substance of Waymo's brief. Only the fact that Waymo disclosed confidential information to outside  
4 vendors – not the identity of those vendors – is relevant to Waymo's brief. Because the relevant  
5 deposition excerpt included the identities of the vendors, Waymo moves to seal only those identities.

6 **II. CONCLUSION**

7 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
8 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
9 Waymo respectfully requests that the Court grant Waymo's administrative motion to file under  
10 seal.

11  
12 DATED: July 14, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

13  
14 By /s/ Charles Verhoeven

Charles Verhoeven  
Attorneys for WAYMO LLC